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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KOYAMA, KUMIKO C

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,036

Applicant(s)

SOLAN ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-28,30-33,39-42 and 44-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-28,30-33,39-42 and 44-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgement is made of receipt of Amendment filed on September 17, 2003.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19-28, 30-33, 39-42, 44-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim includes a "second programmable interrogation device" that is not described in the specification. The specification discloses a location determination device, such as a transceiver or transponder, but it does not disclose that the location determination device is programmable, including a processor. The claim also includes a "computer system" that is not described in the specification. The specification discloses a "database," but does not mention any computer system.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the storage area, the interrogation

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device, the computer system, the database, memory having all the identifiers and vehicle with the identification device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 19-28, 30-33, 44-52 are objected to because of the following informalities:

Re claim 19 and 44, line 4: "identify" should be changed to --identity--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-21, 23-25, 27, 28, 30-31, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle (US 6,097,301) in view of Benson et al (US 5,635,693).

Tuttle teaches an RFID system used in a baggage handling or airport baggage sorting facility (col 3, lines 33+). At the check-in counter, operators or baggage handler personnel attaches an RFID tag 16 to each suitcase (col 3, lines 10-11), which is affixing a selectively

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programmable identification device to an item. A semiconductor memory 38 within the tag is programmed to store information on the itinerary of the suitcase. The itinerary information includes the name of the owner, a destination, time, and a flight number (col 3, lines 17-23). The central computer receives data from the memory of the RFID via interrogator transceivers (col 4, lines 40-46). The memory also stores special handling instructions (col 3, lines 20-22). Such disclosure teaches a first item identifier, in which the name is the identity of the item, the destination is the destination identifier, time being the status identifier, and a flight number to indicate the a storage location for freight container location. Tuttle teaches that RFID systems have been proposed for identifying tagged objects for such purposes as taking inventory or tracking movements of objects being transported. Tuttle also teaches that such RFID tags are interrogated by an RFID interrogator transceiver 20, which is a second selectively programmable interrogation device having a memory that is operatively in communication with a computer system (col 3, lines 47+, col 4, lines 40-46). The computer functions as a central database (col 9, lines 37-46). Tuttle teaches an interrogator having a control logic that is programmed to compare the transmitted information from the tag with predetermined information stored in the interrogator memory and provides appropriate action (col 4, lines 35-40). Tuttle specifically discloses an example teaching that the interrogator is programmed to compare the intended destination city transmitted by each tag with the interrogator's actual location city stored in the memory (col 4, lines 5-10). Tuttle also teaches that the tag responds back to the interrogator by transmitting a message containing the itinerary information to the operator (col 3, lines 60-65).

Tuttle fails to teach a second item identifier that associates the item with the first item identifier, wherein the second item identifier is stored in the memory of the first selectively programmable identification device.

Benson teaches a system and method for tracking vehicles in a vehicle lot. Benson teaches that the base station sends a RF interrogation radio frequency signal via buried antenna to the antenna on the tag. This can be continuously repeated request. The logic on the tag then reads the vehicle information, e.g. Vehicle ID, which serves as an identify of the vehicle, from the tag memory. The oscillator or tag RF section puts the vehicle ID information on the return RF signal which is sent back to the base station (col 8, lines 14-32). Benson also teaches that the vehicle identification record includes a lot number indicating a current location of the vehicle (Fig. 6A). Furthermore, Benson discloses that an identification representing a location of the vehicle is altered in response to the movement of the vehicle (col 8, lines 53-59).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Benson to the teachings of Tuttle and compare the destination information of Tuttle, which is considered as the first identifier, with lot number indicating the current location of the vehicle taught by Benson to indicate whether the item/vehicle must be transferred to another location and by comparing such information the operator confirms the itinerary of the item/vehicle so that proper transportation is provided for the vehicle to be transfer. Such modification prevents from vehicles from being lost in transportation between the manufacture and dealers.

7. Claims 44-46 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Benson and Alicot et al (US 6,429,776). The teachings of Tuttle as modified by Benson have been discussed above.

Tuttle as modified by Benson fails to teach removing the first selectively programmable identification device before the vehicle is shipped from the storage area.

Alicot teaches removing a tag from the product at a point of sale (col 2, line 25).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Alicot to the teachings of Tuttle as modified by Benson in order to avoid any other interferences with other source of RFID signal transmitters and transponders by entering a point of RFID transponder area, and reuse the removed RFID for another vehicle when another vehicle enters the storage area, which avoids any additional cost for another set of RFID.

8. Claims 22, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Benson as applied to claim 1 and 39 above, and further in view of Levine (US 5,477,038). The teachings of Tuttle in view of Benson have been discussed above.

Tuttle fail to teach further including the step of assigning a transportation status identifier to the item indicative of whether the item has been shipped.

Levine et al teaches a second data indicating the shipment of cards (col 8 lines 53-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Levine to the teachings of Tuttle as modified by Benson because a record of the shipment may be useful for tracking purposes, and they can verify the shipment if an information regarding it is needed by customers.

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9. Claims 26, 42 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Benson as applied to claim 1, 39 and 44 above, and further in view of Bravman et al (US 5,866,888). The teachings of Tuttle as modified by Benson and Alicot have been discussed above.

Tuttle fails to teach that the selectively programmable identification device is a bar code storage device for selectively reading and storing the first item identifier, second item identifier, destination identifier, status identifier and the location identifier.

Bravman teaches a bar code label 70 includes passenger identification code as well as any other desired information, such as passenger's name, address, seat assignment, advance beverage orders, information about any special handling required for passenger, connecting flight information, rental car, hotel information and the like.

Therefore, it would have been obvious to an artisan ordinary skill in the art at the time the invention was made to integrate the teachings of Bravman to the teachings of Tuttle as modified by Benson and Alicot in order provide a cheaper baggage identification tag because barcode tags do not require transceivers and microprocessors.

10. Claims 33, 43 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Benson and Alicot as applied to claims 1, 39 and 44 above, and further in view of Jaekle et al (US 3,661,098). The teachings of Tuttle as modified by Benson and Alicot have been discussed above.

Tuttle fails to teach that the freight item is a vehicle.

Jaekle teaches a shipping of automobiles using a rail car (Abstract).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Jaekle to the teachings of Tuttle as modified by Benson and Alicot in order to transport vehicles in a fast, but cheap manner and avoid lost or stolen vehicles during shipment from one location to another as well as to be able to locate them in case of loss vehicles.

11. Claims 32 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Benson and Alicot as applied to claim 1 and 44 above, and further in view of Handy (US 4,832,204). The teachings of Tuttle as modified by Benson and Alicot have been discussed above.

Tuttle fails to teach the step of generating a report including the location of the freight item.

Handy also teaches that a report may be generated to locate the item 38 (col.2 lines 67+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Handy to the teachings of Tuttle in view of Benson and Alicot in order to quickly locate the item for customers in case of lost baggage.

Response to Arguments

12. Applicant's arguments with respect to claims 1-28, 30-33 and 39-42 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant has added new limitation in the claim, such as "second selectively programmable interrogation device having a memory that is also operatively in communication with." Therefore, the newly added limitation necessitated new search and consideration.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425.

The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Kumiko C. Koyama

Kumiko C. Koyama
December 29, 2003

Diane I. Lee

DIANE I. LEE
PRIMARY EXAMINER